

AG Contract No.: KR05-0964TRN
ADOT ECS File No.: JPA 05-074
TRACS: H3868 02 L
Project No.: Y150561
Section: SR 260 Cottonwood - Camp Verde
Budget Source Item No.: 70406

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
YAVAPAI COUNTY

THIS AGREEMENT is entered into this date November 23 2005, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and YAVAPAI COUNTY, acting by and through its CHAIRMAN OF THE BOARD (the "COUNTY").

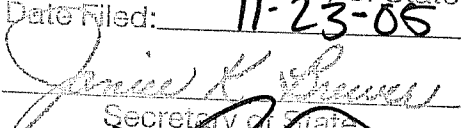
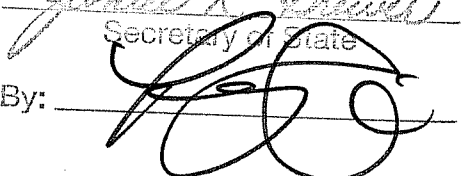
I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this agreement and has by resolution a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the County.

3. This Agreement is for the sole purpose of the transference of funds from the County to ADOT, to amend the Access Management Plan Report (AMP) currently estimated at \$270,000.00. The County will contribute \$160,000.00 for the AMP report, for the area between Cottonwood and Camp Verde on State Route 260.

THEREFORE, in consideration of the mutual covenants expressed herein, it is further agreed as follows:

NO. 27845
Filed with the Secretary of State
Date Filed: 11-23-05

Secretary of State
By: 

II. SCOPE OF WORK

1. The State Shall:

a. Upon execution of this Agreement invoice the County an amount of \$160,000.00 for the AMP amended report for the area between Cottonwood and Camp Verde on SR 260.

2. The County Shall:

a. Upon execution of this Agreement and receipt of an invoice from the State, remit to the State the amount of \$160,000.00 for the amendment costs of the AMP report for the area between Cotton Wood and Camp Verde on SR 260.

III. MISCELLANEOUS PROVISIONS

1. The terms, conditions and provisions of this Agreement shall remain in full force and effective until final payment provided herein.

2. This Agreement shall become effective upon filing with the Secretary of State.

3. This Agreement may be cancelled in accordance with Arizona Revised Statutes Sections 38-511.

4. In the event of any controversy, which may arise out of this Agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Sections 12-1518

5. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

6. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this Agreement shall comply with Executive Order Number 99-4 issued by the Governor of the State of Arizona and incorporated herein by reference regarding "Non-Discrimination".

7. Non-Availability of Funds: Every payment obligation of the State under this contract is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

8. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17th Avenue, Mail Drop 616E
Phoenix, AZ. 85007 FAX (602) 712-7424

Yavapai County
1100 Commerce Drive
Prescott, AZ 86301
(928) 771-3183

9. Pursuant to Arizona Revised Statutes, Section 11-952 (D), attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this Agreement and that the agreement is in proper form.

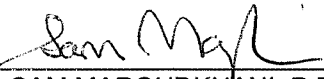
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written

YAVAPAI COUNTY

STATE OF ARIZONA

Department of Transportation

By 
CAROL SPRINGER, CHAIRMAN
Board of Supervisors

By 
SAM MAROUDKHANI, P.E.
Deputy State Engineer, Development

ATTEST

By 
BEV STADDON
Clerk of the Board

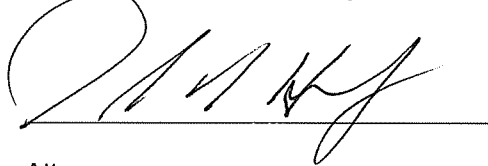
G:05-074-Yavapai County
AMP Report for SR 260 Cottonwood to Camp Verde
September 28, 2005 - ly

ATTORNEY APPROVAL FORM

FOR YAVAPAI COUNTY

I have reviewed the above referenced intergovernmental agreement between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and Yavapai County, an agreement among public agencies, which, has been reviewed pursuant to A.R.S. section 11-951 through 11-954, and declares this agreement to be in proper form and within the powers and authority granted to County under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 18th day of October, 2005.

A handwritten signature in black ink, appearing to be "D. A. H. J.", written over a horizontal line.

Attorney

**CERTIFIED COPY OF ENTRY IN OFFICIAL MINUTES
OF THE YAVAPAI COUNTY BOARD OF SUPERVISORS**

YAVAPAI COUNTY)
) ss.
ARIZONA)

Bev Staddon, having been first duly sworn, deposes and says:

I am the duly appointed, qualified and acting Clerk of the Yavapai County Board of Supervisors and in such capacity under the provisions of ARS §11-241 am charged with the responsibilities, among others, of recording all proceedings of the Board and maintaining custody of such records of the Board as are required by law to be maintained. Among the records of which I have custody is the official minute book of the Board of Supervisors which under the provisions of ARS §11-217 is required to be made and kept.

Set forth below is a copy of an entry in the aforesaid minute book of which, as aforesaid, I am the officer having the legal custody. This is my certificate under the provisions of Rule 44(A), Rules of Civil Procedure, and the Uniform Business Records Act, that the said copy is a true and correct copy thereof, to which I attest by my signature subscribed hereunto:

Date of meeting of which the minutes are a record: October 17, 2005.

The entry in the said minutes:

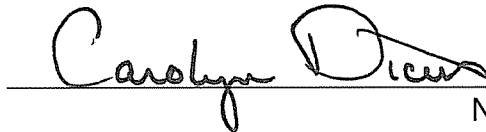
- A2. Intergovernmental agreement (JPA 05-074) with State of Arizona for participation in the amended State Route 260 Access Management Plan in an additional amount of \$160,000, Cottonwood/Camp Verde area. Half-cent sales tax funds. Phil Bourdon, Public Works Director. Approved by unanimous vote after Mr. Bourdon explained that the agreement was the technical document that would allow ADOT to bill the County for something that was already approved. Motion by Supervisor Thurman, second by Supervisor Davis. No comments from the public.



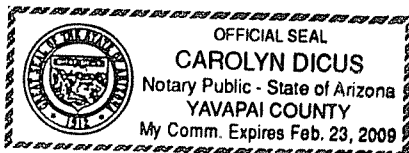
Bev Staddon, Clerk

SUBSCRIBED AND SWORN to before me November 7, 2005.

My Commission Expires:



Notary Public





STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL
CIVIL DIVISION
TRANSPORTATION SECTION
MEMORANDUM

Jeffrey T. Murray
Assistant Attorney General

Direct: 602-542-8859
Fax: 602-542-3646


INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR05-0964TRN (**JPA 05-074**), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED November 14, 2005.

TERRY GODDARD
Attorney General


JEFFREY T. MURRAY
Assistant Attorney General

JTM:dgr
Attachment
934647